HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7177 OF 2005.

Chintamani Mahadeo Gosavi. ..Petitioner.

Versus.

Kumar Shree Mangalmurti & Ors. ..Respondents.

Shri. Suresh M. Sabrad for the Petitioners.

Shri. Biksd Kolekar h/f Shri. V. M. Mali for the respondent No.1

CORAM: S.B.MHASE, J.

DATE : MARCH 13, 2006.

P.C.

1. Heard. Perused the order. By this petition, the order passed below exhibit 129 in Special Civil Suit No. 381 of 2003 pending on the file of the Civil Judge, Senior Division, Sangli is challenged. By the said application, the petitioner has submitted that the original plaintiff has not supplied the copies of the sale deeds upon which the plaintiff has placed reliance in the suit. The said application was opposed.

2. No doubt, there is an order on the said application directing to produce the documents. Ultimately the said application was rejected. Civil Procedure Code, 1908 mandates that along with the

plaint, the documents upon which the plaintiff relies has to be produced and if the certain documents are not in possession of the plaintiff, the plaintiff shall state in whose possession they are. Supply of copies of those documents free of cost is nowhere in contemplation. Apart from it, if the suit is based on sale-deed then copies of the sale-deed can be very well obtained from the Registrar where the sale is registered. It is not necessary for the plaintiff to supply copy of them. Application has been rightly rejected. No interference is called for. In the result, petition is rejected.

(S.B.MHASE, J.)